

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RICKY MOORE,

Plaintiff,

V.

Case No. 3:16-cv-01501-N

CITY OF DALLAS, TEXAS; DAVID O. BROWN, in his official capacity as Chief of Police for the Dallas Police Department; LARRY D. LITTON, individually and in his official capacity as Sergeant for the Dallas Police Department;

Defendants.

MOTION FOR PRELIMINARY INJUNCTION

Plaintiff Ricky Moore (“Moore”), pursuant to Fed. R. Civ. P. 65(a), and respectfully moves this Court for a preliminary injunction enjoining Defendants City of Dallas, David O. Brown, in his official capacity as Chief of Police for the Dallas Police Department, Larry D. Litton, individually and in his official capacity, as Sergeant for the Dallas Police Department, their agents, servants, employees, attorneys, and all persons and entities in active concert or participation with them, directly or indirectly, from applying a policy of enforcing, through criminal trespass processes, a park rule that mandates a permit and exorbitant fee for individual and small group expression taking place in a public park, on its face and as-applied to Moore’s religious expression, so as to prevent Moore and other third-party speakers from engaging in protected individual and small-group expression in wide-open public areas of Klyde Warren Park, a public park, situated in downtown Dallas, Texas.

Without a preliminary injunction, Moore will continue to suffer irreparable injury, namely, the loss of rights and freedoms guaranteed by the United States Constitution. In support of his Motion, Moore relies on the following:

- A. Affidavit of Ricky Moore, attached as Exhibit “A”;
- B. Photograph of Moore’s sketch board illustration, a true and correct copy is attached as Exhibit “B”;
- C. Map of Klyde Warren Park, a true and correct copy is attached as Exhibit “C”;
- D. Photograph from location where Moore engages in his expression, facing southwest, a true and correct copy is attached as Exhibit “D”;
- E. Photograph from location where Moore engages in his expression, facing northeast, a true and correct copy is attached as Exhibit “E”;
- F. DVD of conversation between Moore and Celia Barshop on September 18, 2014, a true and correct copy is attached as Exhibit “F”;
- G. DVD of sword twirler on Great Lawn on January 29, 2015, a true and correct copy is attached as Exhibit “G”;
- H. DVD of conversation between Moore and break-dancers in Klyde Warren Park on April 16, 2015, a true and correct copy is attached as Exhibit “H”;
- I. DVD of initial conversation between Moore and Michael Gaffney on April 30, 2015, a true and correct copy is attached as Exhibit “I”;
- J. DVD of conversation between Moore, Sgt. Larry Litton, and Michael Gaffney on April 30, 2015, a true and correct copy is attached as Exhibit “J”;

- K. Letter from Moore's counsel to the Mayor of Dallas, Dallas Chief of Police and Dallas City Attorney, dated June 19, 2015, a true and correct copy is attached as Exhibit "K";
- L. Letter from Klyde Warren Park Foundation to Moore's counsel, dated August 7, 2015, a true and correct copy is attached as Exhibit "L";
- M. DVD of Pearl Lawn on August 19, 2015, a true and correct copy is attached as Exhibit "M";
- N. Photograph of Pearl Lawn on August 19, 2015, a true and correct copy is attached as Exhibit "N";
- O. Screenshot of Klyde Warren Park posted rules from August 19, 2015, a true and correct copy is attached as Exhibit "O";
- P. Screenshot of guitar players in pavilion on Great Lawn on August 19, 2015, a true and correct copy is attached as Exhibit "P";
- Q. Screenshot #1 of people walking on Hart Boulevard on August 19, 2015, a true and correct copy is attached as Exhibit "Q";
- R. Screenshot #2 of people walking on Hart Boulevard on August 19, 2015, a true and correct copy is attached as Exhibit "R";
- S. Screenshot #3 of people walking on Hart Boulevard on August 19, 2015, a true and correct copy is attached as Exhibit "S";
- T. Screenshot #4 of people walking on Hart Boulevard on August 19, 2015, a true and correct copy is attached as Exhibit "T";

- U. Screenshot #5 of people walking on Hart Boulevard on August 19, 2015, a true and correct copy is attached as Exhibit “U”;
- V. Screenshot of people near reading area on August 23, 2015, a true and correct copy is attached as Exhibit “V”;
- W. Screenshot of people on Great Lawn and Hart Boulevard on August 23, 2015, a true and correct copy is attached as Exhibit “W”;
- X. Screenshot of people near fountain on southeast end of Hart Boulevard on August 23, 2015, a true and correct copy is attached as Exhibit “X”;
- Y. Screenshot #1 of Pearl Lawn on August 23, 2015, a true and correct copy is attached as Exhibit “Y”;
- Z. Screenshot #2 of Pearl Lawn on August 23, 2015, a true and correct copy is attached as Exhibit “Z”;
- AA. Photograph of Pearl Lawn on August 30, 2015, a true and correct copy is attached as Exhibit “AA”;
- BB. Photograph of Klyde Warren Park Pavilion on August 30, 2015, a true and correct copy is attached as Exhibit “BB”;
- CC. Photograph of Jane’s Lane on August 30, 2015, a true and correct copy is attached as Exhibit “CC”;
- DD. Photograph of intersection of Jane’s Lane and Hart Boulevard on August 30, 2015, a true and correct copy is attached as Exhibit “DD”;
- EE. Photograph of acrobats performing on Great Lawn on January 31, 2016, a true and correct copy is attached as Exhibit “EE”;

- FF. Photograph of individual making bubbles on Great Lawn near Hart Boulevard on January 31, 2016, a true and correct copy is attached as Exhibit “FF”;
- GG. Photograph of donation box of individual making bubbles on January 31, 2016, a true and correct copy is attached as Exhibit “GG”;
- HH. DVD of individuals playing bongos in Klyde Warren Park on January 31, 2016, a true and correct copy is attached as Exhibit “HH”;
- II. Photograph of Great Lawn on January 31, 2016, a true and correct copy is attached as Exhibit “II”;
- JJ. Photograph #1 of Pearl Lawn on January 31, 2016, a true and correct copy is attached as Exhibit “JJ”;
- KK. Photograph #2 of Pearl Lawn on January 31, 2016, a true and correct copy is attached as Exhibit “KK”;
- LL. Rules for events from Klyde Warren Park’s website, a true and correct copy is attached as Exhibit “LL”;
- MM. Event Application Form obtained from Klyde Warren Park’s website on May 17, 2016, a true and correct copy is attached as Exhibit “MM”;
- NN. Verified Complaint of Moore; and
- OO. Brief in Support of this Motion for Preliminary Injunction filed simultaneously with this Motion.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Ricky Moore respectfully requests that this Honorable Court grant his Motion for Preliminary Injunction.

Respectfully submitted,

<p>s/Nathan W. Kellum Nathan W. Kellum* TN BAR #13482; MS BAR #8813 CENTER FOR RELIGIOUS EXPRESSION 699 Oakleaf Office Lane, Suite 107 Memphis, TN 38117 (901) 684-5485 telephone (901) 684-5499 fax nkellum@crelaw.org</p> <p>Philip E. Mischke* TN BAR #010063 Farris Bobango Branan PLC 999 S. Shady Grove Road, Suite 500 Memphis, Tennessee 38120 (901) 259-7213 (voice) (901) 259-7150 (fax) pmischke@farris-law.com</p> <p>Attorneys for Plaintiff Ricky Moore *Applications for admission <i>pro hac vice</i> pending</p>	<p>James A. Pikl Texas Bar No. 16008850 Scheef & Stone, LLP 2600 Network Blvd., Suite 400 Frisco, Texas 75034 (214) 472-2100 Fax (214) 472-2150 jim.pikl@solidcounsel.com</p> <p>Attorney for Plaintiff Ricky Moore</p>
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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2016, the foregoing was filed electronically with the Clerk of the Court, and that a copy of the foregoing has been/will be delivered to a process server for service on defendants.

s/Nathan W. Kellum
Attorney for Plaintiff